

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERIC X. RAMBERT,	)	
	)	1:17cv42
Petitioner,	)	Electronic Mail
	)	
v.	)	
	)	Judge David Stewart Cercone
MICHAEL OVERMYER, Warden, <i>et</i>	)	Magistrate Judge Lisa Pupo Lenihan
<i>al.</i> ,	)	
	)	
Respondents.	)	
	)	

**MEMORANDUM ORDER**

Before the Court is a Petition for Writ of Habeas Corpus filed by Petitioner Eric X. Rambert ("Petitioner") pursuant to 28 U.S.C. § 2241, claiming that the Pennsylvania Board of Probation and Parole is improperly requiring him to serve his unexpired maximum sentence of June 2, 2033. His Petition was docketed on May 23, 2017 (ECF No. 9), and in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court, all pretrial matters were referred to United States Magistrate Judge Lisa Pupo Lenihan.

On February 1, 2018, the Magistrate Judge issued a Report and Recommendation recommending that Petitioner's Petition for Writ of Habeas Corpus be denied and that a Certificate of Appealability also be denied. (ECF No. 19.) She also recommended that Petitioner's Motion for a Temporary Restraining Order (TRO) or Preliminary Injunction (ECF No. 17) be denied. Petitioner was served with the Report and Recommendation and informed that the deadline to file written objections was February 20, 2018. His Objections were timely filed on February 16, 2018. (ECF No. 20).

In resolving a party's objections, the Court conducts a *de novo* review of any part of the Report and Recommendation that has been properly objected to. Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1). The Court may accept, reject, or modify the recommended disposition, as

well as receive further evidence or return the matter to the magistrate judge with instructions. Id. Upon careful *de novo* review of the Petition for Writ of Habeas Corpus, Petitioner's Motion for a TRO or Preliminary Injunction, the Magistrate Judge's Report and Recommendation, and Petitioner's Objections thereto, the Court concludes that the Objections do not undermine the Report and Recommendation's recommended disposition.

AND NOW, this 14 day of March, 2018;

**IT IS HEREBY ORDERED** that the Report and Recommendation of the Magistrate Judge (ECF No. 19) is adopted as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus (ECF No. 9) be denied.

**IT IS FURTHER ORDERED** that a Certificate of Appealability be denied.

**IT IS FURTHER ORDERED** that Petitioner's Motion for TRO or Preliminary Injunction (ECF No. 17) be denied.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



David Stewart Cercone  
Senior United States District Judge

cc: Eric X. Rambert  
AM-9223  
SCI Fayette  
P.O. Box 9999  
LaBelle, PA 15450  
(Via First Class Mail)

Timothy P. Keating, Esquire  
(Via CM/ECF Electronic Mail)